

REMARKS

Claims 1 – 9, 12 – 24 and 26 – 28 are pending in the above-identified application. Claims 10 – 11 and 25 were previously cancelled.

In the Office Action, Claims 1 – 9, 12 – 24 and 26 – 28 were rejected.

In this Amendment, Claims 1, 8 and 16 are amended. No new matter has been introduced as a result of this amendment.

Accordingly, Claims 1– 9, 12 – 24, and 26 – 28 remain at issue.

I. 35 U.S.C. § 103 Obviousness Rejection of Claims

Claims 1-3, 5-7, 20 and 26-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over WO '008 in view of U.S. Patent No. 5,819,917 (Nicholson) and U.S. Design Patent No. D 433,562 (Redlinger), all of record and also either U.S. Patent No. 5,829,591 (Lyons), U.S. Patent No. 4,509,656 (Rosler '656) or U.S. Patent No. 5,680,949 (Rosler '949). Applicant respectfully traverses these claim rejections.

Claim 1 is directed to a battery storage case, which includes a main body and a lid portion. Amended Claim 1 recites that the outer surface of the main body is elastically inwardly deformed and the lid portion is elastically outwardly deformed when the first projection train and the second projection train contact the third projection train during an insertion and an extraction of the main body into or out of the lid portion in a lengthwise direction *without requiring a rotation of the main body relatively to the lid portion*.

In contrast, the cited references, taken singly or in combination, fail to teach or suggest the elastic deformations of the main body and the lid portion when their respective projections are made to engage each other during an insertion and an extraction in a lengthwise direction without requiring a rotation of the main body relatively to the lid portion.

The Examiner acknowledges that WO '008 discloses inserting in the longitudinal direction without deforming either the trains, the main body or the lid and then rotation the body

and the lid to secure the trains of the lid and body to one another, but states that either Lyons, Rosler '656 or Rosler '949 does teach or suggest deformation of the main body elastically inwardly and of the lid portion elastically outwardly.

However, Rosler '656 states that (emphasis added):

“The longitudinal walls of the inner hollow member 2 are preferably constructed in such a manner that they have, at least in the area of the open end, a slight curvature 18 which is directed toward the longitudinal axis of the hollow member. This is accomplished by means of appropriate dimensioning of the radius r. *This exerts a certain pressure on the elevations 6 and improves the locking interconnection with the webs 5.* Also, in this manner, in addition to the air which may enter along the protuberances due to the different radii of the corner curvatures of the inner and outer hollow members into the packing container assembly, an additional air passage is provided. Since the inner walls of the outer hollow member are in close contact over a larger surface at the outer walls of the inner hollow member, without the possibility or provision of some air passage, there would otherwise occur the danger that a vacuum in the container could be developed and the container would then no longer be capable of being opened or it would involve difficulty when it is desired to open the container.”

(See page 5, lines 29 – 50), and further that:

“The inwardly projecting webs 5 are preferably provided with a slope 8 which decreases toward the closed end 3 of the hollow member 1 and then changes into a horizontal or approximately horizontal surface 9 which faces the closed end 3 of the hollow body (see FIG. 5).”

(See page 5, lines 17 - 21). Thus, Rosler '656 teaches that when the two hollow members 1 and 2 are pushed together (main body and lid) a certain pressure is exerted on the elevations 6 to improve the locking interconnection with the webs 5, but fails to teach or suggest beside the elevations 6 that both hollow members are deformed during the insertion or the extraction of one into/out of the other.

Further, Rosler '949 states that (emphasis added):

“In order to facilitate a turning motion between the interlocking parts of the packaging, the inner hollow body includes an interlocking portion and an outer portion. The interlocking portion preferably has a cross section comparable to the cross section of the outer portion. The corners of the cross section of the interlocking portion are preferably rounded and have radii larger than the associated radii in the corresponding corners of the outer portion of the inner hollow body.

The above facilitates *a twisting of the inner hollow body in the surrounding outer hollow body*, with it being possible to disengage the interlocking rows of notches of the inner and outer hollow body by twisting.”

(See column 2, line 62 to column 3, line 8). Thus, Rosler ‘656 teaches that a twisting of the inner hollow body is necessary to extract it from the surrounding outer hollow body. As such, Rosler ‘656 teaches away from the claimed limitation that requires elastic deformations of the main body and the lid portion when their respective projections are made to engage each other during an insertion and an extraction in a lengthwise direction without requiring a rotation of the main body relatively to the lid portion.

Moreover, Lyons states that in regard to FIG. 1 that (emphasis added):

“Obviously, therefore, in the embodiment illustrated, the inside edges of protuberances 20 should have a "V" cross-sectional form so that the protuberances 20 will in fact readily "snap-fit" into any adjacent depression 18 and engage the sloped sides thereof. *By then forcing a sliding motion relative to the two engaged hollow members 12 and 14, the sloped side walls of depressions 18 will force the protuberances 20 to be deflected outwardly to effectively disengage it from the depressions 18 and permit continuation of the sliding motion and a "snap-fit" of the protuberances 20 into the next adjacent depressions 18 and so on.* Accordingly, when no force is being applied to effect a sliding engagement, the two protuberances 20 will be engaged within opposed depressions 18 to hold the container 10 in a closed position.”

(See column 6, lines 24 – 37). That is, Lyons teaches that when the hollow members 12 and 14 are pushed together the protuberances 20 is deflected outwardly to effectively disengage it from the depressions 18, but fails to teach or suggest beside the protuberances 20 that both hollow members 12 and 14 are deformed during the insertion or the extraction of one into/out of the other.

Thus, the cited references, taken singly or in combination, fail to teach or suggest that the outer surface of the main body is elastically inwardly deformed and the lid portion is elastically outwardly deformed when the main body is inserted into or extracted from the lid portion whereby the first projection train and the second projection train are proceeded lengthwise over the third projection train without requiring a rotation of the main body relatively to the lid portion.

Thus, Claim 1 is allowable over WO '008 in view Nicholson and Redlinger, and also either Lyons, Rosler '656 or Rosler '949, as are dependent Claims 2-3, 5-7 and 26-28 for at least the same reasons.

Claim 23 was rejected under 35 U.S.C. 103(a) as being unpatentable over WO '008 in view of U.S. Patent No. 5,819,917 (Nicholson) and U.S. Design Patent No. D 433,562 (Redlinger) and either Rosler '659, Rosler '949 or Lyons as applied to claim 1 above and in further view of U.S. Patent No. 5,829,591 (Lyons).

Claim 23 is dependent on Claim 1 show above to be allowable over WO '008 in view of Nicholson, Redlinger and either Rosler '659, Rosler '949 or Lyons and further in view of Lyons. Thus, Claim 23 is also patentable allowable over these references.

Claims 16 and 18-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over WO '008 in view of Nicholson and either Rosler '656, Rosler '949 or Lyons.

Claim 16 recites a distinguishable limitation analogous to that of Claim 1. Thus, Claim 16 is patentable over these references, as are dependent Claims 18-20.

Claim 17 was rejected under 35 U.S.C. § 103(a) as being unpatentable over WO '008 in view of Nicholson and either Rosler '656, Rosler '949 or Lyons applied to Claim 16 above and further in view of U.S. Design Patent No. D 433,562 (Redlinger).

Claim 17 is dependent on Claim 16 show above to be patentable over these cited references. Thus, Claim 17 is patentable over these references.

Claim 21 was rejected under 35 U.S.C. § 103(a) as being unpatentable over WO '008 in view of Nicholson and either Rosler '656, Rosler '949 or Lyons as applied to Claim 16 above and further in view of U.S. Design Patent No. D 433,562 (Redlinger).

Claim 21 is dependent on Claim 16 show above to be allowable over these cited references. Thus, Claim 21 is patentable over the same cited references.

Claims 8 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over WO '008 in view of Nicholson, Design Patent No. 409,560 (Shim) and either Rosler '656, Rosler '949 or Lyons.

Claim 8 recites the same distinguishable limitation as that of Claim 1. Moreover, Shim teaches an ornamental design for a battery case that has a cross-section shaped as a pair of glasses. As such, Shim also fails to teach or disclose the distinguishable limitation of Claim 8.

Thus, Claim 8 is patentable over these references, as is dependent Claim 14.

Claims 9, 13 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over WO '008 in view of Nicholson, Shim and either Rosler '656, Rosler '949 or Lyons as applied to claim 8 above, and further in view of Redlinger.

Claims 9, 13 and 15 are directly or indirectly dependent on Claim 8, shown above to be allowable over WO '008 in view of Nicholson Shim and either Rosler '656, Rosler '949 or Lyons. Thus, Claims 9, 13 and 15 are also patentable over these references.

Claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over WO '008 in view of Nicholson, Shim and either Rosler '656, Rosler '949 or Lyons as applied to Claim 8 above, and further in view of U.S. Patent No. 4,596,340 (Luther).

Claim 12 is dependent on Claim 8, shown above to be patentable over WO '008 in view of Nicholson, Shim and either Rosler '656, Rosler '949 or Lyons. Moreover, Luther also fails to teach or suggest the distinguishable limitation of Claim 1. Thus, Claim 8 is patentable over these cited references, as is dependent Claim 12 for at least the same reasons.

Claim 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over WO '008 in view of U.S. Patent No. 5,819,917 (Nicholson), U.S. Design Patent No. D 433,562 (Redlinger) and either Rosler '656, Rosler '949 or Lyons as applied to claim 1 above and in further view of Design Patent No. 4,09,560 (Shim).

Claim 24 is dependent on Claim 1, shown above to be patentable over WO '008 in view of Nicholson, Redlinder and either Rosler '656, Rosler '949 or Lyons. Moreover, Shim was

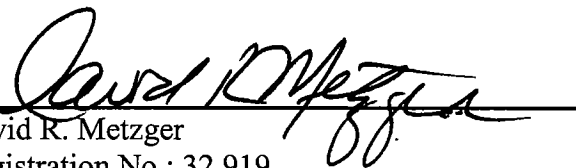
discussed above to fail to teach or suggest the distinguishable limitation of Claim 8 or Claim 1.
Thus, Claim 24 is patentable over these cited references.

II. Conclusion

In view of the above amendments and remarks, Applicant submits that Claims 1– 9, 12 – 24, and 26 – 28 are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

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